

Support for Mortgage Interest etc (Security for Loans) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister for Communities had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Support for Mortgage Interest etc (Security for Loans) Bill would be within the legislative competence of the Northern Ireland Assembly.”

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BILL

TO

Provide for loans under Article 13 of the Welfare Reform and Work (Northern Ireland) Order 2016 to be charged on land and for the charges to be registrable in the Statutory Charges Register.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Security for loans for mortgage interest etc

1.—(1) In Article 13 of the Welfare Reform and Work (Northern Ireland) Order 2016 (loans in respect of liability to make owner-occupier payments)—

5 (a) in paragraph (7), after sub-paragraph (b) (regulations may require a loan to be secured by a mortgage or charge over land) insert—

“(c) charge a legal, or equitable, estate or other interest in land with either or both of the following—

(i) repayment of a loan under the regulations;

(ii) interest charged in respect of such a loan.”, and

10 (b) after paragraph (8) insert—

“(8A) A charge created under paragraph (7)(c) is enforceable in all respects as if it were a valid mortgage by deed created in favour of the Department by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law) and
15 the Department may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgagees by deed accordingly.

(8B) A charge created under paragraph (7)(c) may be in respect of—

(a) amounts lent, or

(b) interest accruing,

20 at the time when, or at times after or before, the charge is created (including times before the regulations creating the charge come into

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operation, and times before the passing of the Support for Mortgage Interest etc (Security for Loans) Act (Northern Ireland) 2021.”.

(2) In Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters registrable in the Statutory Charges Register), after paragraph 51 insert—

5 “51A. A charge created under Article 13(7)(c) of the Welfare Reform and Work (Northern Ireland) Order 2016 (regulations charging land as security for loans for mortgage interest etc).”.

Commencement and short title

10 **2.**—(1) This Act comes into force on the day after the day on which it receives Royal Assent.

(2) This Act may be cited as the Support for Mortgage Interest etc (Security for Loans) Act (Northern Ireland) 2021.

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A Bill to provide for loans under Article 13 of the Welfare Reform and Work (Northern Ireland) Order 2016 to be charged on land and for the charges to be registrable in the Statutory Charges Register.

Introduced by: Ms Deirdre Hargey, Minister for Communities

On: 8 November 2021

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

An Explanatory and Financial Memorandum is printed separately as NIA Bill 42/17-22 EFM.



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